

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

COLEMAN TAVON EDWARDS,

Petitioner,

File No. 2:08-cv-303

v.

HON. ROBERT HOLMES BELL

GREG MCQUIGGIN,

Defendant.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Magistrate Judge Timothy P. Greeley has issued a Report and Recommendation ("R&R") recommending that Petitioner Coleman Tavon Edwards' petition for writ of habeas corpus be denied. (Dkt. No. 26.) This matter is before the Court on Petitioner's objections to the R&R. (Dkt. No. 28.)

This Court makes a *de novo* determination of those portions of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious." *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). The Court may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. *Id.*

Petitioner objects to the magistrate judge's finding that there was sufficient evidence presented at trial for a reasonable trier of fact to find Petitioner guilty of assault with intent

to commit murder. Petitioner believes that the magistrate judge's finding relies "in significant part due to the Petitioner's testimony that the shooting occurred accidentally," which "eviscerates the very concept of the intent element." (Dkt. No. 28 at 2.) However, Petitioner mischaracterizes the magistrate judge's recommendation, which does not rely on his testimony, but on evidence concerning Petitioner's body position and the wounds inflicted on the victim suggesting that the shooting was deliberate. (Dkt. No. 26 at 5-7.)

The only other identifiable issue raised by Petitioner — that the magistrate judge's recommendation holds him "to the high standards of an appeal attorney" (Dkt. No. 28 at 2) — is not a specific objection, and is without merit. Accordingly,

IT IS HEREBY ORDERED that the July 8, 2011, R&R (Dkt. No. 26) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus is **DENIED**.

IT IS FURTHER CERTIFIED that an appeal of this action would not be in good faith.

Dated: February 29, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE